

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RADIAN ASSET ASSURANCE, INC.,
a New York corporation,

Plaintiff,

vs.

No. CIV 09-0885 JB/DJS

COLLEGE OF THE CHRISTIAN BROTHERS OF
NEW MEXICO, known as THE COLLEGE OF
SANTA FE; CHRISTIAN BROTHERS OF THE
COLLEGE OF SANTA FE COMMUNITY d/b/a
THE COLLEGE OF SANTA FE, a New Mexico
corporation; DR. MARK LOMBARDI, an individual;
JERRY BRISSON, an individual, and SHARON
BAIN, an individual,

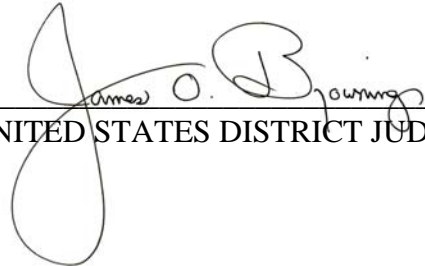
Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Defendant College of the Christian Brothers of New Mexico's Second Motion for Protective Order and Supporting Memorandum, filed December 17, 2010 (Doc. 288) ("Motion"). The Court held a hearing on January 11, 2011. The primary issue is whether the Court should enter a protective order pursuant to rule 26(c) of the Federal Rules of Civil Procedure directing that the Defendant College of the Christian Brothers of New Mexico d/b/a the College of Santa Fe shall not have to answer Plaintiff Radian Asset Assurance, Inc.'s Second Set of Requests for Admission, because the requests are untimely and improper under the Scheduling Order (Doc. No. 39) and the Court's Memorandum Opinion and Order, filed July 28, 2010 (Doc. No. 93), setting the deadline for the close of fact discovery as December 17, 2010. At the January 11, 2011 hearing, Radian Asset conceded that its requests for admissions were untimely under the scheduling order, but requested an extension or waiver. The

Court believes that in a case such as this one, which involves a number of parties and many issues, strict adherence to discovery scheduling orders is essential to bringing discovery to an end. If the Court allows one party an extension or waiver, it must, in an attempt to be fair, do the same for others, prolonging discovery indefinitely. The Court therefore grants the Motion.

IT IS ORDERED that the Defendant College of the Christian Brothers of New Mexico's Second Motion for Protective Order and Supporting Memorandum, filed December 17, 2010 (Doc. 288), is granted.



UNITED STATES DISTRICT JUDGE

Counsel:

Daniel J. O'Friel
Pierre Levy
Aimee Sue Bevan
O'Friel and Levy
Santa Fe, New Mexico

-- and --

Jeffrey R. Brannen
Jeffrey R. Brannen, P.A.
Santa Fe, New Mexico

-- and --

Gavin W. Skok
John D. Lowery
Riddell Williams, P.S.
Seattle, Washington

Attorneys for the Plaintiff

Clifford K. Atkinson
Douglas A. Baker
Justin Duke Rodriguez
Atkinson, Thal & Baker, P.C.
Albuquerque, New Mexico

*Attorneys for Defendant College of the Christian Brothers of New Mexico and
Christian Brothers of the College of Santa Fe*

W. Spencer Reid
Benjamin F. Feuchter
Keleher & McLeod, P.A.
Albuquerque, New Mexico

Attorneys for Defendant Sharon Bain

Joe L. McClaugherty
Tamara R. Safarik
McClaugherty & Silver, P.C.
Santa Fe, New Mexico

Attorneys for Defendant Jerry Brisson

Michael W. Brennan
Brennan & Sullivan, P.A.
Santa Fe, New Mexico

Attorneys for Defendant Mark Lombardi